

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 05-335 (JMR/FLN)

United States of America,

Plaintiff,

vs.

Bruce W. Betcher

Defendant.

MOTION FOR COMPLIANCE
WITH FEDERAL RULE OF
CRIMINAL PROCEDURE 16

MOTION

Defendant, Bruce W. Betcher, by and through his attorney, Thomas H. Shiah, Esq., respectfully moves the Court for the following relief:

1) An Order requiring the Government to disclose and provide an opportunity to Defendant for inspection, copying, and photographing any relevant written or recorded statements made by Defendant or copies thereof, those portions of any written record containing the substance of any relevant oral statement made by Defendant, any recorded testimony of Defendant before a grand jury that relates to the offenses charged, and the substance of any other relevant oral statement made by Defendant if the Government intends to use that statement at trial. Fed.R.Crim.P. 16(a)(1)(A).

To date defense counsel has been given a CD and typed transcription of Mr. Betcher's statement taken by law enforcement officials on September 19, 2005;

2) An Order requiring the Government to provide Defendant with copies of any handwritten or tape-recorded notes of interviews, debriefings, or surveillances of Defendant and the alleged co-conspirators made during this investigation. Fed.R.Crim.P. 16(a)(1)(A);

3) An Order requiring the Government to provide Defendant with any statements within the meaning of Rule 16(a)(1)(A) of the Federal Rules of Criminal Procedure made by his codefendants and alleged co-conspirators, whether named or unnamed. Specifically Defendant is requesting copies of any and all statements and recordings thereof and recordings of any and all statements obtained from other individuals involved in the investigation, including the alleged victims.

To date defense counsel has received 372 pages of discovery, however, there are numerous photographs and video tapes which still need to be provided and reviewed. Government counsel has indicated that they will make these available to defense counsel under an appropriate protective order;

4) An Order requiring the Government to provide Defendant with his criminal record, if any. Fed.R.Crim.P. 16(a)(1)(B);

5) An Order requiring the Government to permit Defendant to inspect, copy, and photograph all tangible objects, including books, papers, documents, photographs, buildings, places, tapes, computer disks, or the contents of any magnetic, optical, or other storage device that are material to the preparation of Defendant's defense or are intended for use by the Government as

evidence in chief at the trial, or were obtained from or belong to Defendant. Fed.R.Crim.P. 16(a)(1)(C);

6) An Order requiring the Government to provide Defendant with the results of any physical or mental examinations, scientific tests or experiments, and permission for Defendant to inspect, copy, and photograph the results or reports of physical or mental examinations, scientific tests or experiments, or copies thereof, that are material to the preparation of the defense or that are intended for use by the Government as evidence in chief at trial, including but not limited to permission to inspect or obtain copies of any test results as well as the results of any fingerprint examinations that may have been performed. Fed.R.Crim.P. 16(a)(1)(D).

The government has seized five computers from the Betcher residence and requested a search warrant to examine their contents. It is assumed that the results of the forensic examination of the computers will be provided to defense counsel; and,

7) An Order requiring the Government to disclose to Defendant a written summary of testimony the Government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case in chief at trial describing the witnesses' opinions, the bases and the reasons therefore, and the witnesses' qualifications. Fed.R.Crim.P. 16(a)(1)(E).

Dated: 9 November 2005

Respectfully submitted,

s/Thomas H. Shiah
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ATTORNEY FOR DEFENDANT